

not connected to a specific piece of legislation on the Senate floor and have a debate back and forth, a structured debate about a big issue. We will do a series of those debates.

This evening, following the two votes will be the first of such debates. I have asked, on the Democratic side, Senator DURBIN and Senator CORZINE to be involved in this debate. The debate will be on the subject of Social Security. I believe—I hope I am not misstating the hypothesis—I believe the Republican side, which will be represented by Senator SUNUNU and Senator SANTORUM, will be describing their proposition that we ought to have private accounts in Social Security and the Democratic side will describe, I believe, why having private accounts in the Social Security system is inherently risky and moving in the wrong direction to provide security for this important program.

The point is, this is considered, and has always been considered, one of the great deliberative bodies in the world. Senate debate is a fascinating opportunity to not only inform Senators but inform the American people about the respective positions of the Republican caucus or the Democratic caucus on very significant issues that have national importance or worldwide importance.

I suspect my colleague, Senator KYL, will be here in a while, perhaps when the debate begins. I wish to describe what will happen following the two votes today.

I am pleased we are going to be able to do this with our two policy committees. It is important to have an aggressive, structured debate with ground rules and portray to the American people the importance of an issue of this type. This is the first, but there will be a number of additional debates in the coming months. We hope this will enhance the reputation and ability of the Senate to sink its teeth into big and important issues.

This is a great country in which we live. We are lucky to be Americans. We are lucky to be alive now. Those who are fortunate to be able to serve, or are given the privilege of serving in this great body, never for a moment misunderstand the wonder of it all. As you stand at these desks that have served this country in public debate and the development of public policy for now two centuries, the more you understand the grandeur of this great body. There are times all of us grit our teeth a bit or wipe our brow and wring our hands and wonder if the partisanship or the way these issues are presented is very attractive to the American people. Yet for over two centuries this democracy has endured, and the Senate, this great Chamber of debate about significant, important national policies, about who we are as Americans, about what we aspire to become as Americans, this Chamber has been the location of all of those great debates.

Those in the Senate who describe our experiences very often describe our ex-

periences in the context of the Senate desk. I sat at a desk on that side of the room. The first desk I was assigned permanently was a desk of a man named Robert La Follette. He stood for many hours on May 29, 1908, doing a filibuster. Apparently, according to history, he sat down for a turkey sandwich and a glass of eggnog. He lifted the eggnog to his lips and spat it out and began screaming: "I've been poisoned." This was 1908. They sent the glass of eggnog to a laboratory to have it analyzed and discovered someone had put enough poison in his drink to have killed him if he had drunk it. One little moment on the floor of the Senate. They never figured out who did that, by the way. That is one little desk and one little story. There are stories of majesty and courage and wonderful representation, great debate.

This is the Chamber where Webster stood and gave his orations. It is the Chamber where the great debates about this country's history and future occur. I am not suggesting tonight's debate will rise to quite that occasion, but we are starting tonight to have an opportunity to exchange views in a debate sponsored by the Republican Policy Committee and the Democratic Policy Committee. I say thank you to the four colleagues who will participate and say I think this does advance the opportunity to exchange views and to have the American people learn from that exchange of views about the two parties' positions on some very important issues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, on behalf of the leader, as in executive session, I ask unanimous consent that, at 5:30 this evening, the Senate proceed to a vote on the confirmation of Calendar No. 356, to be followed immediately by a vote on the confirmation of No. 361, provided that immediately following those votes the President be notified of the Senate's action, and the Senate then resume legislative session; finally, that there be 2 minutes equally divided for debate prior to each of the votes.

Mr. REID. Reserving the right to object—and I shall not object—I do want to have the RECORD spread with the same statement Senator DASCHLE made earlier today. We have a number of amendments pending, two of which were offered by our Democratic leader, on which we are ready to vote. Senator BINGAMAN offered an amendment. We are ready to vote on that. We are going to do everything we can to proceed

through the amendments tomorrow. We will cooperate as much as we can. There are other Senators who have amendments to offer. We have indicated to the majority leader that we want to finish this bill tomorrow so we can move on to another appropriations bill.

I want the RECORD spread with the fact it is not we who are holding up this bill. We are ready to vote as of 5 today—as of now. We still think we can do the bill tomorrow. There are Senators who are going to offer amendments, and we do not want them to believe they are rushed because of our inactivity today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I am informed that the manager is working hard to try to establish a time in the morning for those votes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 356, which the clerk will report.

The legislative clerk read the nomination of Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia.

The PRESIDING OFFICER. There will be a period of 2 minutes of debate equally divided prior to the vote.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Glen Conrad, who has been nominated to serve as a judge on the United States District Court for the Western District of Virginia. I had the pleasure of introducing him before the Senate Judiciary Committee this past July.

Judge Conrad has been nominated to fill the vacancy of Judge James Turk who began his service on this court in 1972 and recently took senior status. After Judge Turk informed Senator ALLEN and me about his intent to take senior status, Senator ALLEN and I began our search to find the most qualified and well-respected individual to fill Judge Turk's seat on the bench. During that process one name repeatedly was brought up—that name was Glen Conrad.

After interviewing Judge Conrad personally, Senator ALLEN and I were pleased to send this fine nominee's name to President Bush for consideration. President Bush promptly thereafter nominated Judge Conrad on April 28, 2003.

Judge Conrad's background makes him highly qualified for this position, and I strongly support his nomination. His experience with the law is extensive.

After graduating from the Marshall Wythe School of Law at the College of William and Mary, Mr. Conrad served as a probation officer in the Western District of Virginia. A little more than a year later, Mr. Conrad was selected to serve as a United States magistrate judge in the Western District. And, for the last 27 years, Judge Conrad has served as a magistrate judge in the Western District.

During his over a quarter of a century as a magistrate judge in the Western District of Virginia, Judge Conrad has earned a stellar reputation. From the many letters that I have received in support of his nomination, there is unanimity in describing Judge Conrad as intelligent, courteous, hard working and having an excellent judicial temperament.

I am confident that Judge Conrad will continue his service on the Western District of Virginia bench consistent with this reputation.

I urge my colleagues to support Judge Conrad's nomination.

Mr. LEAHY. Mr. President, today, we vote to confirm two district court nominees, United States Magistrate Judge Glen Allen Conrad and South Carolina Judge Henry Floyd. Unfortunately, we are still needlessly awaiting a vote on the judicial nominees from California, for the emergency vacancies in the Southern District, the busiest court in the country.

With today's confirmations, the Senate will now have confirmed 153 judicial nominees for this President. As I mentioned last week, this pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton Administration. It was not until well into the fourth year of President Clinton's second term, when Republicans controlled the Senate, before this many judicial nominees were confirmed. It took President Reagan, during his first term, almost to the end of his fourth year to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party. It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken a little more than 2 years of rapid Senate action to confirm 153 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 53 judicial nominees, including 11 circuit court nominees in 2003. That is more

confirmations in just 9 months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

The records of these two judicial nominees stands in contrast to the record of many of this President's judicial nominees, particularly for circuit court positions. Both Judge Conrad and Judge Floyd have significant judicial experience, with Judge Conrad serving as a Magistrate Judge for more than a quarter of a century. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience.

I note that there are now more George W. Bush appointees on the bench than there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than 3.

With these confirmations, there are no more vacancies in the district court in Virginia, as Judge Conrad joins Judge Hudson, who we confirmed last year to the district court in Virginia. Judge Floyd will join Judge Terry Wooten on the district court in South Carolina. Judge Floyd's confirmation will fill the vacancy created by the elevation of the controversial Judge Dennis Shedd last year. I congratulate Judge Conrad and Judge Floyd and their families.

Mr. ALLEN. Mr. President, I rise to speak on behalf of the nomination of Glen E. Conrad to be District Court Judge for the Western District of Virginia.

I have known Glen Conrad since the day I got out of law school at the University of Virginia, and I was a law clerk for Judge Williams in Abingdon, VA, not far from the Tennessee line. Glen Conrad was a U.S. magistrate judge in Abingdon and then he later moved up to Roanoke.

Judge Conrad is tremendously qualified not only to be a judge in the U.S. district court for the Western District of Virginia but a leader—a judge who is a leader, who understands the system and the operation of the court in the Western District of Virginia. In fact—and I know I speak for my colleague, John Warner—we examine many highly qualified individuals and we truly could find nobody more qualified by a proven record of experience and performance, with the proper judicial philosophy, with a proven temperament to fill this judgeship.

Indeed, this judgeship has been declared a judicial emergency by the Judicial Conference. Glen Conrad is experienced, knowledgeable, fair, and possesses an outstanding reputation and proven judicial experience.

As I said, I have known him for many years. His wife is someone who I have

admired, and I put her on the community college board when I was Governor of Virginia. Glen Conrad is a graduate of the College of William and Mary, and that is a very good undergraduate and law school. He is looked upon highly by his peers who know and acknowledge his qualifications and his experience.

He has been positively endorsed by the Virginia Bar Association, the Roanoke Bar Association, the Virginia Association of Defense Attorneys. He has been highly recommended by the Virginia Women Attorneys Association and by the Virginia State Bar. In fact, he received a highly qualified endorsement from the American Bar Association as well. So whether he is serving in this very large 51-county district, which includes courts in Danville, Lynchburg, Charlottesville, and then in the valley of Harrisonburg, as well as in Roanoke, Abingdon, and Big Stone Gap, regardless whether on the south side, the Piedmont, western, or southwestern Virginia, I believe the President has chosen a very outstanding nominee who will honorably and fairly administer justice in the Western District of Virginia and I urge my colleagues to support him.

I endorse him with my full confidence and recommend his approval this evening because we need to get him to work for the people and the litigants in the Western District of Virginia.

I yield the floor, and I yield the remainder of our time.

Mr. BINGAMAN. Mr. President, we yield back our time.

The PRESIDING OFFICER. All time is yielded back on the nomination.

Mr. ALLEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 354 Ex.]

YEAS—89

Akaka	Dayton	Levin
Alexander	DeWine	Lott
Allard	Dodd	Lugar
Allen	Dole	McCain
Baucus	Domenici	McConnell
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (FL)
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Boxer	Feingold	Pryor
Breaux	Feinstein	Reed
Brownback	Fitzgerald	Reid
Bunning	Frist	Roberts
Burns	Graham (SC)	Rockefeller
Byrd	Grassley	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Stabenow
Coleman	Jeffords	Stevens
Collins	Johnson	Sununu
Conrad	Kennedy	Talent
Cornyn	Kohl	Thomas
Corzine	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lautenberg	Wyden
Daschle	Leahy	

NOT VOTING—11

Biden	Kerry	Miller
Edwards	Lieberman	Murkowski
Graham (FL)	Lincoln	Specter
Gregg	Mikulski	

The nomination was confirmed.

NOMINATION OF HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider the nomination of Henry F. Floyd, which the clerk will report.

The legislative clerk read as follows:

The nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be a period of 2 minutes of debate equally divided prior to the vote.

Mr. HOLLINGS. Mr. President, I rise to encourage my colleagues to vote for Henry Floyd to be a judge on the United States District Court for the District of South Carolina.

Judge Floyd is known throughout my State as a fine, fair, and even-handed jurist. There is no question a good judge has to possess a balanced judicial temperament. Judge Floyd showed as a State circuit court judge he is balanced. He has presided over complex class action litigation; felony criminal cases including capital murder cases; cases with difficult constitutional issues, and everything else like that. By all accounts, he has applied the law fairly, and the South Carolina Bar supports him.

This nominee also has a breadth of experience as a private practitioner,

representing civil and criminal clients in all sorts of matters; he was a lieutenant in the Army; and he was a South Carolina State legislator. He obviously is well qualified.

I think our colleagues on both sides of the aisle will find it refreshing to vote on a nominee who doesn't make us quarrel over religion, or advance any political agenda, and who answers our questions. For 37 years, Senator Thurmond and I practiced bipartisan cooperation in filling South Carolina's Federal bench. I thank Senator GRAHAM for continuing in this collegial tradition.

Mr. GRAHAM of South Carolina. Mr. President, Henry Floyd was the first person I thought of when a district court judgeship came open in South Carolina. I am pleased that the Senate has confirmed him today. Prior to becoming involved in politics, I had the good fortune of practicing before Judge Floyd on a number of occasions. He is the model of judicial temperament; learned, objective, and courteous.

A product of some of our State's finest educational institutions, Judge Floyd received his undergraduate degree at Wofford College and his law degree from the University of South Carolina. In 1992, after a decade of very successful private practice, he assumed the bench as a judge on the Thirteenth Judicial Circuit Court of South Carolina. Since that time, Judge Floyd has presided over several South Carolina's most controversial cases with skill and professionalism.

It was an pleasure to recommend Judge Floyd to President Bush. I wanted my first recommendation to be an example of how our judicial nominations process should work. We should seek only the best for the Federal judiciary. I believe my first recommendation fits that criterion.

I'm confident Judge Floyd will demonstrate the highest degree of professionalism and serve our State and Nation well. Judge Floyd has an exceptional legal mind, impeccable character, and a legacy of fair application of the law. He is a fine man and will be a great addition to the Federal bench. Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea".

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 355 Ex.]

YEAS—89

Akaka	Dayton	Levin
Alexander	DeWine	Lott
Allard	Dodd	Lugar
Allen	Dole	McCain
Baucus	Domenici	McConnell
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (FL)
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Boxer	Feingold	Pryor
Breaux	Feinstein	Reed
Brownback	Fitzgerald	Reid
Bunning	Frist	Roberts
Burns	Graham (SC)	Rockefeller
Byrd	Grassley	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Stabenow
Coleman	Jeffords	Stevens
Collins	Johnson	Sununu
Conrad	Kennedy	Talent
Cornyn	Kohl	Thomas
Corzine	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lautenberg	Wyden
Daschle	Leahy	

NOT VOTING—11

Biden	Kerry	Miller
Edwards	Lieberman	Murkowski
Graham (FL)	Lincoln	Specter
Gregg	Mikulski	

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENTS NOS. 1734 AND 1739 AS FURTHER MODIFIED

Mr. REID. Mr. President, earlier today there were two modifications to amendments offered by the Democratic leader, Senator DASCHLE. Since placing those modifications at the desk, staff has discovered some clerical errors. I ask unanimous consent that amendments Nos. 1734 and 1739 be further modified with the changes I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.